S.B. CIVIL WRIT PETITION NO.6777/2007
(Kanta Sharma Vs. State of Rajasthan & ors.)

Date of Order :: 11th October 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Nitin Trivedi for the petitioner

By way of this writ petition, the petitioner seeks to challenge her transfer order (Annexure-5) on the ground that the same has been made in order to accommodate the respondent No.4. While considering the writ petition for admission, on being questioned about availability of alternative remedy of filing appeal against the impugned order before the Rajasthan Civil Services Appellate Tribunal, learned counsel Mr.Nitin Trivedi submitted that such matters are required to be considered by the Full Bench of the Tribunal concerned and since such Full Bench is not holding regular sitting, the said remedy cannot be said to be efficacious.

Apart from the fact that no such averment has been taken in the writ petition that the alternative remedy of appeal is not efficacious one or cannot be availed of by the petitioner for any reason or circumstance, this Court is of opinion that the submission as made by the petitioner cannot be said to be enough a proposition whereby the petitioner may be permitted to by-pass the alternative remedy so as to maintain a petition

for writ before this Court. Moreover, there appears no any special reason or circumstance in this case for which the petitioner may be permitted to by-pass alternative remedy so as to maintain this petition.

However, for being not inclined to entertain the matter in extra-ordinary writ jurisdiction, this Court would not make any comment on the merits of the grounds sought to be urged in this case.

Exercise of writ jurisdiction is refused; and the writ petition is, therefore, rejected.

(DINESH MAHESHWARI), J.

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